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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/538,624	03/29/2000	Nosakhare D. Omoigui	MS1-272USC1	8365

22801 7590 10/19/2004

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EXAMINER	
JACOBS, LASHONDA T	
ART UNIT	**PAPER NUMBER**
2157	

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/538,624	OMOIGUI ET AL.
	Examiner	Art Unit
	LaShonda T Jacobs	2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _____.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11,13-40,42-47 and 49-57* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11,13-40,42-47 and 49-57* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This Final Office Action in response to Applicants' Request for Reconsideration filed on 21, 2004. Claims 1-11, 13-40, 42-47 and 49-57 are presented for further examination.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims **1-11**, **13-40**, **42-47** and **49-57** are rejected under 35 U.S.C. 103(a) as being unpatentable over in Kalra (hereinafter, "Karla", 5,953,506) in view of Katseff et al (hereinafter, "Katseff", 5, 822, 537).

As per claims **1** and **49**, Kalra discloses a method comprising:

- detecting, in a system for streaming a plurality of data streams from a server to a client, a potential overburdening of the system (col. 4, lines 6-13, lines 20-39, lines 47-59 , col. 15, lines 33-67 and col. 16, lines 1-5); and
- selecting at least one of the plurality of data streams in response to detecting the potential overburdening of the system (col. 16, lines 37-67 and col. 17, lines 1-3).

However, Kalra does not explicitly disclose:

- altering playback of the at least one data stream to avoid overburdening the system.

Katseff discloses a networked multimedia information system to store and distribute multimedia objects over a network to a plurality of workstations including:

- altering playback of the at least one data stream to avoid overburdening the system (col. 2, lines 45-55, col. 13, lines 61-67, col. 14, lines 1-6, col. 15, lines 20-65 and col. 16, lines 19-31).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention as made to have incorporated the teachings of Katseff with the method of Kalra for the purpose of minimizing the effect of network congestion by using an adaptive control algorithm which dynamically varies the rate at which video/multimedia frames are retrieved from the respective file server over the network.

As per claim **13**, Karla disclose a system comprising:

- client computer coupled to a network (col. 15, lines 2-32);
- a server computer coupled to transmit a plurality of individual data streams to the client computer via the network (col. 15, lines 2-32); and
- wherein the client computer is to detect when bandwidth from the server to the client computer that is allotted to transmitting the plurality of individual data streams would be exceeded and take action to prevent the allotted bandwidth from being exceeded (col. 15, lines 34-67, col. 16, lines 1-5 and lines 18-28).

As per claim **20**, Kalra discloses a server computer comprising:

- receive an indication that time-scale modification for a data stream that was previously performed at a client computer should now be performed at the server

computer (col. 15, lines 45-67, col. 16, lines 1-5 and lines 18-61; The modifications of the streams in Kalra meets the definition of time-scale modification defined in Applicants' specification on pages 13-17); and

- transmit a time-scale modified data stream to the client computer (col. 15, lines 45-67, col. 16, lines 1-5 and lines 18-61).

However, Kalra does not explicitly disclose:

Katseff discloses a networked multimedia information system to store and distribute multimedia objects over a network to a plurality of workstations including:

- a bus (col. 3, lines 52-57);
- a memory system, coupled to the bus, to store a plurality of instructions (col. 3, lines 52-57); and
- a processor, coupled to the bus, to execute the plurality of instructions (col. 3, lines 52-67)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention as made to have incorporated the teachings of Katseff with the method of Kalra for the purpose of processing data over network in timely and efficient manner by utilizing well-known CPU components in the networking art.

As per claim **24**, Kalra the invention substantially as claimed.

However, Kalra does not explicitly disclose:

- a master control component to maintain a master timeline for a multimedia presentation col. 3, lines 47-67, col. 4, lines 55-67, col. 5, lines 1-27, col. 6, lines 60-67, and col. 7, lines 1-3); and

- a plurality of individual stream controls corresponding to individual data streams for the multimedia presentation, wherein each of the plurality of individual stream controls is to maintain a timeline for the corresponding individual data stream (col. 3, lines 42-46, and col. 4, lines 1-11 and lines 55-60, col. 5, lines 1-27, col. 6, lines 60-67, and col. 7, lines 1-3).

Katseff discloses a networked multimedia information system to store and distribute multimedia objects over a network to a plurality of workstations including:

- a master control component to maintain a master timeline for a multimedia presentation (col. 9, lines 16-22);
- a plurality of individual stream controls corresponding to individual data streams for the multimedia presentation, wherein each of the plurality of individual stream controls is to maintain a timeline for the corresponding individual data stream (col. 9, lines 16-22, col. 13, lines 56-67 and col. 14, lines 1-6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention as made to have incorporated the teachings of Katseff with the method of Kalra for the purpose of controlling video playback in which a user can manipulate and control the playback speed of the of the presentation.

As per claims **29** and **52**, Kalra discloses the invention substantially as claimed. However, Kalra does not explicitly disclose:

- receiving a user request at a client for a new playback speed of multimedia content being streamed as a plurality of individual streams to the client (col. 16, lines 54-65, and col. 17, lines 1-55); and

- modifying the playback of each stream of the multimedia content in accordance with the new playback speed (col. 16, lines 54-65, and col. 17, lines 1-55).

Katseff discloses a networked multimedia information system to store and distribute multimedia objects over a network to a plurality of workstations including:

- receiving a user request at a client for a new playback speed of multimedia content being streamed as a plurality of individual streams to the client (col. 13, lines 61-67 and col. 14, lines 1-6); and
- modifying the playback of each stream of the multimedia content in accordance with the new playback speed (col. 13, lines 61-67 and col. 14, lines 1-6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention as made to have incorporated the teachings of Katseff with the method of Kalra for the purpose of controlling video playback in which a user can manipulate and control the playback speed of the of the presentation.

As per claims **35** and **50**, Kalra discloses a method comprising:

- receiving streaming text from a server (col. 4, lines 6-13, lines 20-39, lines 47-59 , col. 15, lines 33-67 and col. 16, lines 1-5).

However, Kalra does not explicitly disclose:

- receiving a user request to change a playback speed of the streaming text; and
- altering the playback speed of the streaming text in accordance with the to user request.

Katseff discloses a networked multimedia information system to store and distribute multimedia objects over a network to a plurality of workstations including:

- receiving a user request to change a playback speed of the streaming text (col. 13, lines 61-67 and col. 14, lines 1-6); and
- altering the playback speed of the streaming text in accordance with the to user request (col. 13, lines 61-67 and col. 14, lines 1-6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention as made to have incorporated the teachings of Katseff with the method of Kalra for the purpose of controlling video playback in which a user can manipulate and control the playback speed of the of the presentation.

As per claims **42** and **51**, Kalra discloses a method comprising:

- receiving a plurality of images as streaming image data from a server (col. 4, lines 6-13, lines 20-39, lines 47-59 , col. 15, lines 33-67 and col. 16, lines 1-5).

However, Kalra does not explicitly disclose:

- receiving a user request to change a playback speed of the plurality of images (col. 3, lines 42-46, and col. 4, lines 1-11 and lines 55-60); and
- altering the playback speed of the plurality of images in accordance with the user request (col. 3, lines 42-46, and col. 4, lines 1-11 and lines 55-60).

Katseff discloses a networked multimedia information system to store and distribute multimedia objects over a network to a plurality of workstations including:

- receiving a user request to change a playback speed of the plurality of images (col. 13, lines 61-67 and col. 14, lines 1-6); and
- altering the playback speed of the plurality of images in accordance with the user request (col. 13, lines 61-67 and col. 14, lines 1-6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention as made to have incorporated the teachings of Katseff with the method of Kalra for the purpose of controlling video playback in which a user can manipulate and control the playback speed of the of the presentation.

As per claim **2**, Kalra discloses:

- wherein the detecting comprises detecting a potential overburdening of the system by exceeding a server to client bandwidth devoted to the plurality of data streams (col. 4, lines 6-13, lines 20-39, lines 47-59 , col. 15, lines 33-67, col. 16, lines 1-5 and lines 38-61).

As per claim **3**, Kalra discloses:

- wherein the detecting comprises detecting a potential overburdening of the system by exceeding a processing capacity of the client (col. 4, lines 6-13, lines 20-39, lines 47-59 , col. 15, lines 33-67, col. 16, lines 1-5 and lines 38-61).

As per claim **4**, Kalra discloses the invention substantially as claimed.

However, Kalra does not explicitly disclose:

- wherein the altering comprises pausing the at least one data stream.

Katseff discloses a networked multimedia information system to store and distribute multimedia objects over a network to a plurality of workstations including:

- wherein the altering comprises pausing the at least one data stream (col. 16, lines 32-36).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention as made to have incorporated the teachings of Katseff with the method of

Kalra for the purpose of minimizing the effect of network congestion to reduce the speed of audio playback by utilizing a well-known pitch extraction process.

As per claim **5**, Kalra discloses:

- wherein the altering comprises ceasing time-scale modification of the at least one stream at the client and beginning time-scale modification of the at least one stream at the server (col. 15, lines 45-67, col. 16, lines 1-5 and lines 18-61; The modifications of the streams in Kalra meets the definition of time-scale modification defined in Applicants' specification on pages 13-17).

As per claim **6**, Kalra discloses:

- wherein the altering comprises reducing a quality of the at least one stream (col. 15, lines 66-67, col. 16, lines 1-5 and lines 29-36).

As per claim **7**, Kalra discloses:

- wherein the detecting comprises monitoring the system for the potential overburdening (col. 15, lines 33-67 and col. 16, lines 1-5).

However, Kalra does not explicitly disclose:

- receiving a new request for a new playback speed for the plurality of data streams.

Katseff discloses a networked multimedia information system to store and distribute multimedia objects over a network to a plurality of workstations including:

- receiving a new request for a new playback speed for the plurality of data streams (col. 13, lines 61-67 and col. 14, lines 1-6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention as made to have incorporated the teachings of Katseff with the method of

Kalra for the purpose of controlling video playback in which a user can manipulate and control the playback speed of the of the presentation.

As per claim **8**, Kalra discloses:

- detecting when excess capacity is available in the system (col. 15, lines 33-67, col. 16, lines 1-5 and col. 18, lines 10-24).

However, Kalra does not explicitly disclose:

- altering playback of at least one of the plurality of data streams.

Katseff discloses a networked multimedia information system to store and distribute multimedia objects over a network to a plurality of workstations including:

- altering playback of at least one of the plurality of data streams.
- (col. 2, lines 45-55, col. 13, lines 61-67, col. 14, lines 1-6, col. 15, lines 20-65 and col. 16, lines 19-31).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention as made to have incorporated the teachings of Katseff with the method of Kalra for the purpose of minimizing the effect of network congestion by using an adaptive control algorithm which dynamically varies the rate at which video/multimedia frames are retrieved from the respective file server over the network.

As per claim **9**, Kalra discloses:

- allowing a user to modify a set of rules used in selecting the at least one of the plurality of data streams (col. 15, lines 45-67, col. 16, lines 1-5 and lines 29-36).

As per claim **10**, Kalra discloses the invention substantially as claimed.

However, Kalra does not explicitly disclose:

- allowing a user to modify a set of rules used to determine the manner in which playback of the at least one data stream is altered.

Katseff discloses a networked multimedia information system to store and distribute multimedia objects over a network to a plurality of workstations including:

- allowing a user to modify a set of rules used to determine the manner in which playback of the at least one data stream is altered (col. 13, lines 61-67 and col. 14, lines 1-6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention as made to have incorporated the teachings of Katseff with the method of Kalra for the purpose of controlling video playback in which a user can manipulate and control the playback speed of the of the presentation.

As per claims **11**, **19**, **23** and **28**, Kalra discloses:

- wherein the plurality of data streams include one or more of an image stream, a text stream, and an animation stream (col. 4, lines 6-13, lines 20-39 and lines 47-59).

As per claim **14**, Kalra discloses the invention substantially as claimed.

However, Kalra does not explicitly disclose:

- wherein the network comprises the Internet.

Katseff discloses a networked multimedia information system to store and distribute multimedia objects over a network to a plurality of workstations including:

- wherein the network comprises the Internet (col. 35, lines 58-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention as made to have incorporated the teachings of Katseff with the method of

Kalra for the purpose of retrieving and transmitting data in timely and efficient manner by utilizing well-known networks.

As per claim **15**, Kalra discloses:

- wherein the server is to transmit the plurality of individual data streams to the client computer as a composite media stream (col. 4, lines 6-13, lines 20-39, lines 47-59, col. 16, lines 38-67, col. 17, lines 1-3, lines 58-64).

As per claim **16**, Kalra discloses:

- wherein the client computer is to prevent the allotted bandwidth from being exceeded by transferring time-scale modification responsibility from a control component at the client computer to a control component at the server computer (col. 15, lines 45-67, col. 16, lines 1-5 and lines 18-61; The modifications of the streams in Kalra meets the definition of time-scale modification defined in Applicants' specification on pages 13-17).

As per claim **17**, Kalra discloses:

- wherein the client computer is to prevent the allotted bandwidth from being exceeded by communicating to the server computer to cease transmitting one of the plurality of individual data streams (col. 15, lines 45-67, col. 16, lines 1-5 and lines 18-28).

As per claim **18**, Kalra discloses:

- wherein the client computer is to prevent the allotted bandwidth from being exceeded by communicating to the server computer to switch to a lower-resolution version of one of the plurality of individual data streams (col. 15, lines 45-67, col. 16, lines 1-5 and lines 18-28).

As per claim **21**, Kalra discloses:

- wherein the processor is further to select one of a plurality of pre-stored versions of the data stream to transmit as the time-scale modified data stream (col. 15, lines 45-67, col. 16, lines 1-5 and lines 18-61; The modifications of the streams in Kalra meets the definition of time-scale modification defined in Applicants' specification on pages 13-17).

As per claim **22**, Kalra discloses:

- wherein the processor is further to generate the time-scale modified data stream by dynamically time-scale modifying an original version of the data stream (col. 15, lines 45-67, col. 16, lines 1-5, lines 18-61 and col. 18, lines 10-24; The time-scale modification of Kalra meets the definition of time-scale modification defined in Applicants' specification on pages 13-17).

As per claim **25**, Kalra discloses the invention substantially as claimed.

However, Kalra does not explicitly disclose:

- a user request for a new playback speed and communicate the new playback speed to the plurality of individual stream controls.

Katseff discloses a networked multimedia information system to store and distribute multimedia objects over a network to a plurality of workstations including:

- a user request for a new playback speed and communicate the new playback speed to the plurality of individual stream controls(col. 13, lines 61-67 and col. 14, lines 1-6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention as made to have incorporated the teachings of Katseff with the method of

Kalra for the purpose of controlling video playback in which a user can manipulate and control the playback speed of the of the presentation.

As per claim **26**, Kalra discloses the invention substantially as claimed.

However, Kalra does not explicitly disclose:

- communicating the new playback speed to the plurality of individual stream controls by sending a message to each of the plurality of individual stream controls.

Katseff discloses a networked multimedia information system to store and distribute multimedia objects over a network to a plurality of workstations including:

- communicating the new playback speed to the plurality of individual stream controls by sending a message to each of the plurality of individual stream controls (col. 13, lines 61-67 and col. 14, lines 1-6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention as made to have incorporated the teachings of Katseff with the method of Kalra for the purpose of controlling video playback in which a user can manipulate and control the playback speed of the of the presentation.

As per claim **27**, Kalra discloses the invention substantially as claimed.

However, Kalra does not explicitly disclose:

- wherein each of the plurality of individual stream controls is to monitor the master timeline and adjust the timeline a maintained by the stream control to maintain synchronization with the master timeline.

Katseff discloses a networked multimedia information system to store and distribute multimedia objects over a network to a plurality of workstations including:

- wherein each of the plurality of individual stream controls is to monitor the master timeline and adjust the timeline a maintained by the stream control to maintain synchronization with the master timeline (col. 9, lines 16-22).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention as made to have incorporated the teachings of Katseff with the method of Kalra for the purpose of controlling video playback in which a user can manipulate and control the playback speed of the of the presentation.

As per claims **30** and **53**, Kalra discloses the invention substantially as claimed.

However, Kalra does not explicitly disclose:

- wherein the computer program further causes the one or more processors to perform functions including sending a message to each of a plurality of individual stream controls, the message indicating the new playback speed.

Katseff discloses a networked multimedia information system to store and distribute multimedia objects over a network to a plurality of workstations including:

- wherein the computer program further causes the one or more processors to perform functions including sending a message to each of a plurality of individual stream controls, the message indicating the new playback speed (col. 13, lines 24-46, lines 56-67 and col. 14, lines 1-6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention as made to have incorporated the teachings of Katseff with the method of Kalra for the purpose of controlling video playback in which a user can manipulate and control the playback speed of the of the presentation.

As per claims **31** and **54**, Kalra discloses the invention substantially as claimed.

However, Kalra does not explicitly disclose:

- wherein the function of sending a message comprises a function of sending the message to an individual stream control located at a server streaming the individual stream of the multimedia content (col. 5, lines 38-64, col. 16, lines 54-65, and col. 17, lines 1-55).

Katseff discloses a networked multimedia information system to store and distribute multimedia objects over a network to a plurality of workstations including:

- wherein the function of sending a message comprises a function of sending the message to an individual stream control located at a server streaming the individual stream of the multimedia content (col. 13, lines 24-46, lines 56-67 and col. 14, lines 1-6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention as made to have incorporated the teachings of Katseff with the method of Kalra for the purpose of controlling video playback in which a user can manipulate and control the playback speed of the of the presentation.

As per claims **32** and **55**, Kalra discloses:

- wherein the computer program further causes the one or more processors to perform functions including each of a plurality of individual stream controls corresponding to the plurality of individual streams monitoring a master clock and adjusting a local clock to keep synchronized with the master clock (col. 4, lines 44-46).

As per claims **33** and **56**, Kalra discloses the invention substantially as claimed.

However, Kalra does not explicitly disclose:

- wherein the computer program further causes the one or more processors to perform functions including performing, by an independent stream control located at the client and corresponding to one of the plurality of individual streams, time scale modification of the one stream in accordance with the new playback speed (col. 5, lines 38-64, col. 16, lines 54-65, and col. 24, lines 1-55).

Katseff discloses a networked multimedia information system to store and distribute multimedia objects over a network to a plurality of workstations including:

- wherein the computer program further causes the one or more processors to perform functions including performing, by an independent stream control located at the client and corresponding to one of the plurality of individual streams, time scale modification of the one stream in accordance with the new playback speed (col. 13, lines 24-46, lines 56-67 and col. 14, lines 1-6; The modification of audio and video streams of Katseff meets the definition of the time-scale modifications defined by Applicants' specification on pages 13-17.).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention as made to have incorporated the teachings of Katseff with the method of Kalra for the purpose of controlling video playback in which a user can manipulate and control the playback speed of the of the presentation.

As per claims **34** and **57**, Kalra discloses:

- wherein the multimedia content includes one or more of an image stream, a text stream, and an animation stream ((col. 4, lines 6-13, lines 20-39 and lines 47-59)).

As per claim **36**, Kalra discloses:

- detecting a potential overburdening of a system receiving the streaming text (col. 4, lines 6-13, lines 20-39, lines 47-59 , col. 15, lines 33-67 and col. 16, lines 1-5).

However, Kalra does not explicitly disclose:

- altering playback of the streaming text to avoid overburdening the system.

Katseff discloses a networked multimedia information system to store and distribute multimedia objects over a network to a plurality of workstations including:

- altering playback of the streaming text to avoid overburdening the system (col. 2, lines 45-55, col. 13, lines 61-67, col. 14, lines 1-6, col. 15, lines 20-65 and col. 16, lines 19-31).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention as made to have incorporated the teachings of Katseff with the method of Kalra for the purpose of minimizing the effect of network congestion by using an adaptive control algorithm which dynamically varies the rate at which video/multimedia frames are retrieved from the respective file server over the network.

As per claim **37**, Kalra discloses the invention substantially as claimed.

However, Kalra does not explicitly disclose:

- wherein the receiving the user request comprises receiving a user request to increase the playback speed of the streaming text.

Katseff discloses a networked multimedia information system to store and distribute multimedia objects over a network to a plurality of workstations including:

- wherein the receiving the user request comprises receiving a user request to increase the playback speed of the streaming text (col. 13, lines 25-67, and col. 14, lines 1-6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention as made to have incorporated the teachings of Katseff with the method of Kalra for the purpose of controlling video playback in which a user can manipulate and control the playback speed of the of the presentation.

As per claim **38**, Kalra discloses the invention substantially as claimed.

However, Kalra does not explicitly disclose:

- wherein the receiving the user request comprises receiving a user request to decrease the playback speed of the streaming text.

Katseff discloses a networked multimedia information system to store and distribute multimedia objects over a network to a plurality of workstations including:

- wherein the receiving the user request comprises receiving a user request to decrease the playback speed of the streaming text (col. 13, lines 25-67, and col. 14, lines 1-6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention as made to have incorporated the teachings of Katseff with the method of Kalra for the purpose of controlling video playback in which a user can manipulate and control the playback speed of the of the presentation.

As per claim **43**, Kalra discloses:

- detecting a potential overburdening of a system receiving the streaming image data (col. 4, lines 6-13, lines 20-39, lines 47-59 , col. 15, lines 33-67 and col. 16, lines 1-5).

However, Kalra does not explicitly disclose:

- altering playback of the streaming image data to avoid overburdening the system.

Katseff discloses a networked multimedia information system to store and distribute multimedia objects over a network to a plurality of workstations including:

- altering playback of the streaming image data to avoid overburdening the system (col. 2, lines 45-55, col. 13, lines 61-67, col. 14, lines 1-6, col. 15, lines 20-65 and col. 16, lines 19-31).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention as made to have incorporated the teachings of Katseff with the method of Kalra for the purpose of minimizing the effect of network congestion by using an adaptive control algorithm which dynamically varies the rate at which video/multimedia frames are retrieved from the respective file server over the network.

As per claims **39** and **44**, Kalra discloses:

- wherein the altering comprises performing linear time-scale modification in accordance with the user request (col. 15, lines 45-67, col. 16, lines 1-5, lines 18-61 and col. 18, lines 10-24; The modifications of the streams in Kalra meets the definition of time-scale modification defined in Applicants' specification on pages 13-17).

As per claims **40** and **45**, Kalra discloses:

- wherein the altering comprises performing non-linear time-scale modification in accordance with the user request (col. 15, lines 45-67, col. 16, lines 1-5, lines 18-61 and col. 18, lines 10-24; The modifications of the streams in Kalra meets the definition of time-scale modification defined in Applicants' specification on pages 13-17).

As per claim **46**, Kalra discloses:

- receiving each of the plurality of images as a plurality of layers (col. 18, lines 10-59); and
- wherein the altering comprises, for each of the plurality of images, reducing the number of the plurality of layers that are used to render the image (col. 18, lines 10-59).

As per claim **47**, Kalra discloses the invention substantially as claimed.

- receiving timeline data corresponding to the plurality of images, the timeline data indicating when the plurality of images are to be rendered (col. 18, lines 10-59).

Response to Arguments

3. Applicant's arguments filed July 21, 2004 have been fully considered but they are not persuasive.

The Office notes the following arguments:

a. The rejection fails to establish that Karla provides any teaching or disclosure of detecting, in a system for streaming a plurality of data streams from a server to a client, a potential overburdening of the system.

b. Independent claims 13 and are not taught, disclosed, suggested or motivated by the cited references, alone or in combination.

c. Independent claims 24 are not taught, disclosed, suggested or motivated by the cited references, alone or in combination.

d. Independent claims 29 and 52 are not taught, disclosed, suggested or motivated by the cited references, alone or in combination.

e. Independent claims 35, 42 and 50-51 are not taught, disclosed, suggested or motivated by the cited references, alone or in combination.

f. Katseff teaches away from "selecting at least one of data streams in response to detecting the potential overburdening of the system" as recited in claim 1.

g. There is no basis for the Examiner's contentions within the cited references, the only possible motivation for these contentions is hindsight reconstruction wherein the Examiner is utilizing Applicant's own disclosure to construct a reason for combining and/or modifying the teachings of the cited references. The Examiner is reminded that hindsight reconstruction is not an appropriate basis for a § 103 rejection.

h. Katseff fails to describe "a plurality of individual stream controls corresponding to individual data streams for the multimedia presentation, wherein each of the plurality of individual stream controls is to maintain a timeline for the corresponding individual data stream (claim 24) or modifying playback of each stream of the multimedia content in accordance with the new playback speed (claims 29 and 52).

In response to:

(a) Karla teaches that various digital streams are transmitted from the server to the client in which the client's CPU constraint is determined. The client's computer is tested to

determine the capabilities of handling digital streams (col. 15, lines 51-64). Therefore, Karla does teach detecting, in a system for streaming a plurality of data streams from a server to a client, a potential overburdening of the system (recited in independent claims 1 and 49) because not knowing a client's CPU constraint or capabilities is a potential overburdening of the system if too many data streams are sent from the server to client. The Applicants' also fail to show how detection of potentially overburdening the system is accomplished.

(b) Karla teaches that a client available network bandwidth is updated dynamically in order to send the appropriate combination of adaptive streams from the server to the client (col. 15, lines 34-44). Therefore, Karla does teach detecting when the bandwidth from the server to the client is allotted to transmit the plurality of individual streams (as recited in claims 13 and 20).

(c)-(d) and (h) Katseff teaches synchronization algorithm that monitors the internal clock of the workstation to determine which data streams should be played and makes adjustments if necessary. The presentation in Katseff is played at a fixed rate and allows the user to adjust the playback speed (which meets the Applicants' requirements of time-scale modification on page. 15, lines 21-24 of the specification). Therefore, the combination of Karla and Katseff teaches the limitations of claim 24.

(e) Karla teaches receiving data streams from a server to client (col. 4, lines 6-13, lines 20-39, lines 47-59, col. 15, lines 33-67 and col. 16, lines 1-5). Katseff also teaches receiving data streams from a server to client in which the client can adjust (modify or alter) the playback speed of the streams speed (which meets the Applicants' requirements

of time-scale modification on page. 15, lines 21-24 of the specification). Therefore, the combination of Karla and Katseff teaches the limitations of 35, 42 and 50-51.

(f) Katseff teaches an adaptive control algorithm that compensates for network congestion by dynamically varying the rate at which video frames are retrieved over the network. According to the network traffic conditions the user can adjust (alter or modify) the playback of the video frames (abstract, col. 2, lines 45-64, col. 13, lines 61-67 and col. 14, lines 1-6, which meets the Applicants' requirements of time-scale modification on page. 15, lines 21-24 of the specification). Therefore, Katseff does teach detecting, in a system for streaming a plurality of data streams from a server to a client, a potential overburdening of the system (recited in independent claims 1 and 49) because not knowing the network congestion is a potential overburdening of the system if too many data streams are sent from the server to client. The Applicants' also fail to show how detection of potentially overburdening the system is accomplished by using time-scale modification.

(g) Applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,052,737 to Bitton et al

U.S. Pat. No. 5,873,059 to Iijima et al

U.S. Pat. No. 5,786,814 to Moran et al

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T Jacobs whose telephone number is 703-305-7494. The examiner can normally be reached on 8:30 A.M.-5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703-308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShonda T Jacobs
Examiner
Art Unit 2157

ltj
October 7, 2004

SALEH NAJJAR
PRIMARY EXAMINER